

Catherine Olinger

February 15, 2017

## Page 18

1 A. Yes.  
 2 Q. In 2003?  
 3 A. Yes.  
 4 Q. Do you remember what month?  
 5 A. Actually, I do. It was March.  
 6 Q. How do you remember that month so clearly?  
 7 A. My birthday is in March, so I remember  
 8 that.  
 9 Q. Around the same time period?  
 10 A. Yes.  
 11 Q. And what was your title at Westaff?  
 12 A. So I started off doing payroll, and I was  
 13 actually just part time. And I was just -- and I  
 14 just processed payroll.  
 15 Q. And were you working here in Albuquerque,  
 16 as well?  
 17 A. I was, yes.  
 18 Q. And how long did you do payroll for  
 19 Westaff?  
 20 A. Gosh, years -- probably -- I was always  
 21 doing payroll, so five years.  
 22 Q. Did you ever have another title?  
 23 A. I did. Then I became an on-site manager.  
 24 Q. And what were your responsibilities as  
 25 on-site manager?

## Page 20

1 clients, interview candidates, also doing payroll,  
 2 just -- those were the main things.  
 3 Q. But it was less 24-7?  
 4 A. Yes. It was more Monday through Friday.  
 5 Q. And was recruiter -- did you have any other  
 6 titles or roles at Westaff, after being a recruiter?  
 7 A. No. Every staffing company has a different  
 8 personnel manager or staffing assistant, but,  
 9 basically, you're a recruiter.  
 10 Q. And then at what point did you stop working  
 11 for Westaff?  
 12 A. It was March of 2009. Select Staffing  
 13 bought Westaff.  
 14 Q. And then you became an employee of Select  
 15 Staffing?  
 16 A. Yes.  
 17 Q. And how long were you at Select Staffing?  
 18 A. I was there until February of 2015.  
 19 Q. And why did you leave in February of 2015?  
 20 A. There was a lot leading up to why I left.  
 21 Q. Did you resign?  
 22 A. I did. I provided notice and I left, same  
 23 day.  
 24 Q. Did -- you didn't give two weeks' notice?  
 25 A. I did not.

## Page 19

1 A. Basically, I serviced one client, and I did  
 2 everything for the one client. I did all of the  
 3 payroll. I filled positions. It was nice. I got to  
 4 concentrate and service just one client.  
 5 Q. Which client was that?  
 6 A. General Mills.  
 7 Q. And how long did you do that for?  
 8 A. Oh, gosh, I did that for about three  
 9 years -- three, four years.  
 10 Q. From what time period to until about what  
 11 time period, ballpark?  
 12 A. Oh, gosh, okay, so -- probably about 2004  
 13 to about 2007.  
 14 Q. And then in 2007, approximately, do -- did  
 15 you have another title and another role?  
 16 A. Yeah. Then I was just -- I couldn't do it  
 17 anymore. I mean, it was 24-7, so I became a  
 18 recruiter in the office. I did -- I found my  
 19 replacement and everything. So I didn't have to deal  
 20 with that anymore.  
 21 Q. Who was your replacement?  
 22 A. His name was Shaun Dinkle.  
 23 Q. And as a recruiter, what were -- what were  
 24 your job responsibilities?  
 25 A. Basically, just to service all of the

## Page 21

1 Q. Why not?  
 2 A. In the staffing industry -- I've seen  
 3 dozens of people give notice, and they're walked out  
 4 the very next minute, so...  
 5 Q. So you figured you would --  
 6 A. Save them the trouble.  
 7 Q. Did anyone ask you to leave that same day,  
 8 or you just --  
 9 A. No.  
 10 Q. -- you just did it?  
 11 A. I just -- it was time to go.  
 12 Q. And what -- what were the reasons that you  
 13 resigned?  
 14 A. So, in two -- it was late 2014, I became --  
 15 I was promoted to branch manager.  
 16 Q. Okay.  
 17 A. It was very late -- it was, like, right  
 18 after Christmas. As part of that I was -- I had so  
 19 many different roles. I was in training, and then I  
 20 was a recruiter. But I was making, gosh, 85,000 a  
 21 year as a recruiter. I was doing very well.  
 22 So, when I became branch manager my  
 23 commissions went from 2,000 a month to \$300 a month.  
 24 You know, I'm the bread winner in my family, and that  
 25 was a huge pay cut. So when I first started getting

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February 15, 2017

## Page 162

1 A. We did.  
 2 Q. When you said "we did," who do you mean?  
 3 A. I believe Shaun did.  
 4 Q. Did you personally produce it?  
 5 A. I did not.  
 6 Q. You did not. Why not?  
 7 A. I was copied on it -- or maybe I did. I --  
 8 I can't recollect. I submitted so much. But I know  
 9 that was submitted.  
 10 Q. And it's your understanding that either you  
 11 or Mr. Shepherd gave it to your attorney?  
 12 A. Yes.  
 13 (Exhibit 64 marked.)  
 14 Q. (By Ms. Libeu) Do you have Exhibit 64 in  
 15 front of you?  
 16 A. I do.  
 17 Q. Have you seen it before?  
 18 A. I have.  
 19 Q. What is it?  
 20 A. It's an e-mail from me to Rebbekka, Shaun,  
 21 Viola and Amber.  
 22 Q. And are there earlier e-mails in the chain?  
 23 A. Yes.  
 24 Q. Was this the e-mail chain you were talking  
 25 about that you were copied on?

## Page 164

1 Q. Do you know whether you have a copy of the  
 2 e-mail, including the original e-mail, in part of  
 3 this chain?  
 4 A. I do not. I have this chain, but I --  
 5 anything other than this, I do not have.  
 6 Q. So you don't -- you don't have the original  
 7 e-mail that was -- that was forwarded?  
 8 A. I don't believe so.  
 9 Q. And do you see the e-mail from  
 10 Ms. Cunningham to Mr. Shepherd says, Hi, Shaun I've  
 11 included Rebbekka, as she's been working on the  
 12 various staffing accounts -- contracts most recently?  
 13 A. Yes, yes, I do.  
 14 Q. Who's Rebbekka?  
 15 A. Rebbekka Tynan, she is in the purchasing  
 16 department. I believe she was, like, an assistant to  
 17 the purchasing department.  
 18 Q. And Ms. Cunningham goes on to say, "Thanks  
 19 for getting your contact information back to us." Do  
 20 you see that?  
 21 A. I do.  
 22 Q. Does that suggest that there were prior  
 23 communications between Ms. Cunningham and  
 24 Mr. Shepherd?  
 25 A. It does.

## Page 163

1 A. I was, yes.  
 2 Q. And do you see the first e-mail in the  
 3 chain is from Viola Cunningham to Shaun Shepherd on  
 4 May 23, 2016?  
 5 A. I do see that.  
 6 Q. Is it your recollection that there was an  
 7 e-mail before this from Mr. Shepherd to  
 8 Ms. Cunningham?  
 9 A. I believe there was a phone call, not an  
 10 e-mail.  
 11 Q. Do you see in the subject line of the  
 12 e-mail that we're looking at, it says, subject  
 13 forward "new staffing company"?  
 14 A. Yes.  
 15 Q. Does that suggest to you that this e-mail  
 16 was a forward of another e-mail?  
 17 A. Yes.  
 18 Q. Does that suggest to you that there is  
 19 another e-mail before this one?  
 20 A. I believe so, yes.  
 21 Q. And do you know what that e-mail is?  
 22 A. I do not.  
 23 Q. Do you know whether that e-mail was  
 24 produced in this case?  
 25 A. I do not.

## Page 165

1 Q. And what's your understanding of what those  
 2 prior communications were?  
 3 A. My understanding is just calling to say Hi,  
 4 sorry I didn't get to leave. Hope you're are doing  
 5 okay.  
 6 Q. And do you know, in those prior  
 7 communications, whether Mr. Shepherd mentioned the  
 8 fact that he was at a new company?  
 9 A. I do not.  
 10 Q. Now, do you see the e-mail that goes on to  
 11 say be sure to sign up in our E procurement system  
 12 using the City website?  
 13 A. Yes.  
 14 Q. Do you know what City's E procurement  
 15 system is?  
 16 A. It is called Sicomm.  
 17 Q. And what -- what is that?  
 18 A. That's where vendors can get registered for  
 19 when things come up, requests for -- when RFPs come  
 20 up, you're notified.  
 21 Q. Are you -- so if an RFP comes up and you're  
 22 in the E procurement system, you would get a  
 23 notification of that?  
 24 A. You would.  
 25 Q. And do you see in the next e-mail, it's

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Catherine Olinger

February 15, 2017

## Page 166

1 from Mr. Shepherd, back to Ms. Cunningham and  
 2 Ms. Tynan, copying you and Amber Fluitt?  
 3 A. Yes.  
 4 Q. And it says, "Hi, Viola and Rebbekka.  
 5 Thank you so much for the followup. I hope you both  
 6 are doing great. I copied Catherine Olinger so you  
 7 have her contact information, too. We will make sure  
 8 the registration is complete this week. Please let  
 9 me know if there is anything we can help with." Do  
 10 you see that?  
 11 A. I do.  
 12 Q. What registration is Mr. Shepherd talking  
 13 about?  
 14 A. So, basically, in order to be notified of  
 15 RFPs, you to have register on the website.  
 16 Q. And that's the registration he's referring  
 17 to?  
 18 A. Yes.  
 19 Q. And do you see after that, Mr. Shepherd  
 20 writes, "Looking forward to working with you"?  
 21 A. Yes.  
 22 Q. Do you have an understanding of what he  
 23 meant by that?  
 24 A. Just working -- hopefully working together  
 25 in the future.

## Page 168

1 Q. So you weren't the original person that  
 2 sent the e-mail?  
 3 A. I was not.  
 4 Q. It was someone else?  
 5 MR. STANFORD: Objection. Form. It has  
 6 been asked and answered.  
 7 A. I believe so, yes.  
 8 Q. And who do you think it was?  
 9 A. I do not know.  
 10 Q. Do you think it was Mr. Shepherd?  
 11 A. It could have been.  
 12 Q. Who else could it have been?  
 13 A. I do not know.  
 14 Q. Can you turn back to your declaration. I'm  
 15 going to have you look at paragraph 16. It says,  
 16 "While employed by EmployBridge I never worked with  
 17 Lively Distributing, Insight Lighting, Stock Building  
 18 Supply, LKQ or Acme Iron & Metal, and did not attempt  
 19 to influence them to do business with RivenRock." Is  
 20 that accurate?  
 21 A. That is accurate.  
 22 Q. And then the next sentence says, "I have  
 23 not had any contact with General Mills since leaving  
 24 EmployBridge, and as far as I know no one at  
 25 RivenRock has had contact with General Mills." Is

## Page 167

1 Q. Were there any plans at the time of this  
 2 e-mail, May 24, 2016, to work with the City of  
 3 Albuquerque?  
 4 A. There was not.  
 5 Q. Then why would Mr. Shepherd say, "I am  
 6 looking forward to working with you"?  
 7 MR. STANFORD: Objection. Form.  
 8 Go ahead.  
 9 A. I do not know. You'll have to ask him.  
 10 Q. Do you know who sent, and to whom the  
 11 earlier e-mail was sent that was the forward, that  
 12 says "Forward: new staffing company"?  
 13 MR. STANFORD: Objection on foundation  
 14 grounds.  
 15 Go ahead.  
 16 A. I do not.  
 17 Q. Does the title suggest to you that someone  
 18 was sending an e-mail to someone announcing the  
 19 formation of a new staffing company?  
 20 MR. STANFORD: Objection. Form.  
 21 Go ahead.  
 22 A. Yes.  
 23 Q. Did you send an e-mail to anyone announcing  
 24 the formation of a new staffing company?  
 25 A. I did not.

## Page 169

1 that correct?  
 2 A. That is correct.  
 3 Q. And the next sentence says, "I received a  
 4 call from a representative of the City of  
 5 Albuquerque, but did not initiate the contact, and  
 6 did not attempt to influence the representative to do  
 7 business with RivenRock." Is that accurate?  
 8 A. That is accurate.  
 9 Q. When did you receive a call from the City  
 10 of Albuquerque?  
 11 A. I don't recall exactly, but my husband  
 12 actually used to work at the transit department as  
 13 temp, and Vera Taylor, was the one who reached out to  
 14 me -- she actually reached out to my husband and  
 15 he -- he didn't work there anymore. She wanted to  
 16 know, Hey, where's Catherine? She's not at Select  
 17 anymore. And he said, Oh, she's with this other  
 18 company. He gave her my number. And she called me  
 19 and said, Hey, this is Vera. Where did you go?  
 20 So I told her, I'm with this new company  
 21 now. And then she said she was having some issues  
 22 with Select. And I said, I can't help you with that.  
 23 I'm not there anymore. And that was it.  
 24 Q. When was that phone call approximately?  
 25 A. Gosh, spring -- May -- April, May, June,

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Catherine Olinger

February 15, 2017

Page 170

1 somewhere. I mean, I really don't remember.  
 2 Q. Was it before or after the e-mail that is  
 3 in Exhibit 64?  
 4 A. It might have been before. I -- I really  
 5 can't remember exactly.  
 6 Q. And what was the name of the woman that  
 7 called you?  
 8 A. Vera Taylor.  
 9 Q. Vera Taylor. And have you ever spoken to  
 10 Ms. Taylor since?  
 11 A. I have not.  
 12 Q. And what number did she call you at?  
 13 A. My husband gave her my cell phone number.  
 14 Q. And what number did she call your husband  
 15 at?  
 16 A. On his cell phone number.  
 17 Q. And how did she have that?  
 18 A. Because he used to work directly for her.  
 19 Q. Now, back to Exhibit 64. Looking back at  
 20 the May 24th e-mail from Mr. Shepherd to  
 21 Ms. Cunningham where you're included on, one of the  
 22 things he says is "I copied Catherine Olinger, so you  
 23 have her contact information, too."  
 24 A. Yes.  
 25 Q. Do you see that?

Page 172

1 Q. Did Ms. Cunningham subsequently contact  
 2 you?  
 3 A. She did not.  
 4 Q. She did not. Did you subsequently contact  
 5 Ms. Cunningham?  
 6 A. I did not.  
 7 Q. You haven't spoken to her since this e-mail  
 8 chain?  
 9 A. No, I have spoken to her recently, yeah.  
 10 Q. So when was the next time you spoke to her,  
 11 after this e-mail chain?  
 12 A. Oh, gosh -- okay, so after this e-mail  
 13 chain, maybe when we were awarded the contract we had  
 14 to go to a meeting, so maybe October.  
 15 Q. In between the time of this May e-mail, and  
 16 the August request for proposal that was put out --  
 17 A. Yes.  
 18 Q. -- by the City, did you have any  
 19 communications with Ms. Cunningham?  
 20 A. I did not.  
 21 Q. And did you have any communications during  
 22 that same time period with anyone else at the City of  
 23 Albuquerque?  
 24 A. I did not.  
 25 Q. How did you learn that the City had put out

Page 171

1 A. I do, yes.  
 2 Q. And why would Ms. Cunningham need your  
 3 contact information?  
 4 A. I do not know.  
 5 Q. Did Ms. -- did Mr. Shepherd ever tell you  
 6 why he was giving Ms. Cunningham your contact  
 7 information?  
 8 A. Just to keep me in the loop.  
 9 Q. In the loop on what?  
 10 A. On reaching out to Viola, because I did  
 11 work a lot with Viola as well, and Rebbekka, so it  
 12 was good to -- to say hi.  
 13 Q. So that you could continue to reach out to  
 14 them?  
 15 A. Possibly.  
 16 Q. For what purpose?  
 17 A. I don't know.  
 18 Q. To provide staffing?  
 19 A. If it ever came up.  
 20 Q. And then there's some -- a responsive  
 21 e-mail from Rebbekka that says, "So that's where  
 22 Catherine went," correct? Do you see that?  
 23 A. I do see that, yes.  
 24 Q. And then you respond, "Here I am"?  
 25 A. Yeah.

Page 173

1 a request for proposal in August of 2016?  
 2 A. So Amber had actually registered with  
 3 Sicomm. And we were notified through e-mail that  
 4 they were requesting a bid.  
 5 Q. Other than Ms. Fluitt registering RivenRock  
 6 through Sicomm, did anyone -- or are you aware of  
 7 anyone at RivenRock having communications with anyone  
 8 at the City of Albuquerque between the time period of  
 9 that May e-mail we just looked at, and the time that  
 10 the request for proposal was put out?  
 11 A. Not that I'm aware of.  
 12 Q. And so Ms. Fluitt was the first one to  
 13 learn that the City had put out the request for bid?  
 14 A. She actually used our branch e-mail, so  
 15 that the notification would go to everyone.  
 16 Q. And what did the notification say?  
 17 A. It -- I don't remember exactly. I think it  
 18 just said that the City is requesting an RFP  
 19 solicitation, something to that effect. I don't  
 20 remember exactly.  
 21 Q. And what communications did you have with  
 22 the folks in your office about that request for  
 23 proposal, once you saw it come out?  
 24 A. We talked about if we wanted to proceed  
 25 with going -- doing the bid.

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Catherine Olinger

February 15, 2017

Page 174

1 Q. And when did you have the first of those  
2 communications?  
3 A. Let's see, the RFP came out in August, so  
4 it would have been probably right after it came out.  
5 Q. Within a day or two?  
6 A. Probably, yeah.  
7 Q. And where did those conversations take  
8 place?  
9 A. I remember us having a team meeting in our  
10 back office.  
11 Q. And who was at the meeting?  
12 A. Our whole staff, Terry Miller, Tim Jacquez,  
13 Shaun Shepherd, Amber Fluit, Miranda Eaton, Lupe was  
14 still employed with us at the time, Lupe Marquez, and  
15 that was it.  
16 Q. Yourself?  
17 A. Myself, yes.  
18 Q. And what were the discussions?  
19 A. So we talked about -- they said it's coming  
20 up for bid, how much work is involved in this bid,  
21 and if it's something that we can even do.  
22 Q. And what did you decide on that issue?  
23 A. We decided we would give it our best shot.  
24 Q. And were you worried that you wouldn't be  
25 able to fulfill the services that they need?

Page 176

1 just -- like, an on-boarding process, and, you  
2 know -- first of all we had to -- there was a whole  
3 list of insurance requirements, fidelity bonds, all  
4 sorts of things that we had to have in place if we  
5 were going to proceed with it.  
6 Q. At this meeting -- or how many meetings did  
7 you have about whether you should bid on the request  
8 that the City put out?  
9 A. It was just that one meeting.  
10 Q. Just one meeting?  
11 A. Uh-huh.  
12 Q. And you made the decision to do it at that  
13 one meeting?  
14 A. Yes.  
15 Q. What did you say, or did you give your  
16 opinion on whether RivenRock should submit a response  
17 to the bid?  
18 A. I said, Sure, let's do it.  
19 Q. And why -- why did you say that?  
20 A. Because it's an account I was familiar with  
21 working with.  
22 Q. And you thought it was something that you  
23 would be able to service appropriately, given your  
24 background?  
25 A. I did.

Page 175

1 A. Mainly just worried about how we could  
2 service it, getting all of the additional insurance  
3 they required, yeah, so we really had to figure  
4 things like that out.  
5 Q. And who made the decision to provide a  
6 proposal in response to the request that the City put  
7 out?  
8 A. Amber did.  
9 Q. And why is Amber the one that made that  
10 decision?  
11 A. Well, she's our -- at that time she was our  
12 business development manager. She had done all of  
13 the registrations, so she was part of that meeting,  
14 and she said, Yeah, let's go ahead and -- she was  
15 going to start it.  
16 Q. And what did you say at that meeting?  
17 A. I said, Sure.  
18 Q. What did Mr. Shepherd say at that meeting?  
19 A. We all agreed, yeah, let's go ahead. And  
20 Amber wanted to proceed with it, so let's see what  
21 happens.  
22 Q. Was it a consensus decision by the team?  
23 A. Yeah. And then we did tell them, you know  
24 just how much work is involved. I mean, it's -- it's  
25 a lot of work, and how difficult it could be to

Page 177

1 Q. And what did Mr. Shepherd say about his --  
2 what his opinion was on whether RivenRock should put  
3 a bid out in response to the request?  
4 A. He was a little leery, just if we could  
5 meet all of the requirements. But Amber really  
6 wanted to push through with it, so we did.  
7 Q. And, ultimately, he was on board with the  
8 group's decision?  
9 A. Yeah, all of us collectively as a group  
10 each talked about it, what commitment we would need  
11 from everyone, and collectively as a group, yes.  
12 Q. Tell me about what commitment was needed  
13 from each individual.  
14 A. So, well, thinking ahead, you know, we were  
15 going to have to work longer hours, weekends for a  
16 period of time, if we were awarded it, and if  
17 everybody was on board with that, and everybody was.  
18 Q. And what was it anticipated that  
19 Mr. Miller's role was going to be with the City of  
20 Albuquerque contract, if you were awarded it?  
21 A. He really wasn't involved in that. He was  
22 still going to continue his -- his sales.  
23 Q. And that would include sometimes dealing  
24 with the City of Albuquerque, or no?  
25 A. Yeah, maybe sometimes going out and

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Catherine Olinger

February 15, 2017

Page 210	Page 212
<p>1 doing good.</p> <p>2 Q. Where in paragraph 17 does it say, I have</p> <p>3 not contacted the City of Albuquerque except for</p> <p>4 chitchat?</p> <p>5 MR. STANFORD: Objection. Form.</p> <p>6 Go ahead.</p> <p>7 A. I did not contact the City of Albuquerque,</p> <p>8 and I'm leaving it at that.</p> <p>9 Q. Now, is -- would you consider the e-mail</p> <p>10 from you to Ms. Rebbekka Tynan and Viola Cunningham</p> <p>11 on May 24th, contact from you to the City of</p> <p>12 Albuquerque?</p> <p>13 A. A follow-up.</p> <p>14 Q. It's a follow-up, okay --</p> <p>15 A. Yeah.</p> <p>16 Q. -- so you had some follow up with City of</p> <p>17 Albuquerque, even though you didn't initiate the</p> <p>18 contact?</p> <p>19 A. Exactly.</p> <p>20 Q. Do you think you should have made clear in</p> <p>21 paragraph 17 that you did not initiate some contact,</p> <p>22 but that you followed up on contact that they had had</p> <p>23 with you?</p> <p>24 A. No. I like it the way it reads.</p> <p>25 Q. Why is that?</p>	<p>1 Q. And it's a request for bid, not a request</p> <p>2 for proposal, right?</p> <p>3 A. It says the City of Albuquerque</p> <p>4 purchasing -- is requesting bids for the following</p> <p>5 services.</p> <p>6 Q. And the title is Specifications for RFB?</p> <p>7 A. Yes.</p> <p>8 Q. But as far as you're concerned, it doesn't</p> <p>9 make a difference whether it's a -- a request for</p> <p>10 proposal, or request for bid?</p> <p>11 A. I don't know.</p> <p>12 Q. Who knows the difference, right?</p> <p>13 A. I don't know.</p> <p>14 Q. And is this the request for bid from the</p> <p>15 City that RivenRock submitted a response in respect</p> <p>16 to?</p> <p>17 A. Let me look.</p> <p>18 Q. Yeah, take your time.</p> <p>19 A. It looks that way, yes.</p> <p>20 Q. Who prepared the -- RivenRock's response to</p> <p>21 the City of Albuquerque's request for bid?</p> <p>22 A. Amber Fluitt.</p> <p>23 Q. And did she prepare 100 percent of it?</p> <p>24 A. She did.</p> <p>25 Q. What experience does she have preparing</p>
Page 211	Page 213
<p>1 A. I just do.</p> <p>2 Q. Do you like it because it hides the ball on</p> <p>3 the type of contact you had had with the City?</p> <p>4 MR. STANFORD: Objection. Form.</p> <p>5 Counselor, you -- come on, making ridiculous</p> <p>6 accusations is not appropriate.</p> <p>7 A. Not at all. I have nothing to hide.</p> <p>8 MR. STANFORD: Let's take a break.</p> <p>9 MS. LIBEU: Okay.</p> <p>10 (Recess was taken from 2:06 to 2:16 p.m.)</p> <p>11 Q. We're back on. I want to show you another</p> <p>12 document.</p> <p>13 A. Okay.</p> <p>14 (Exhibit 67 marked.)</p> <p>15 Q. (By Ms. Libeu) Do you have Exhibit 67 in</p> <p>16 front of you?</p> <p>17 A. I do.</p> <p>18 Q. Have you seen it before?</p> <p>19 A. I have.</p> <p>20 Q. What is it?</p> <p>21 A. It is the request for bid.</p> <p>22 Q. From the City of --</p> <p>23 A. City of Albuquerque.</p> <p>24 Q. -- Albuquerque?</p> <p>25 A. Yes.</p>	<p>1 responses to requests for bids in the past?</p> <p>2 A. As a business development manager, she had</p> <p>3 been working on bids in all various companies.</p> <p>4 Q. What other companies has she -- had she</p> <p>5 submitted responses to request for bids?</p> <p>6 A. I can't recall at the moment.</p> <p>7 Q. Had she done any previously for RivenRock?</p> <p>8 A. Yeah, she -- it was through RivenRock.</p> <p>9 Q. It was through RivenRock. And how many had</p> <p>10 she previously done?</p> <p>11 A. Let's just take a wild guess, maybe five to</p> <p>12 ten.</p> <p>13 Q. Five to ten? And were those for contracts</p> <p>14 much smaller than the City of Albuquerque's contract?</p> <p>15 A. Various ones, yes, I believe.</p> <p>16 Q. Were any of them larger than the City of</p> <p>17 Albuquerque contract?</p> <p>18 A. Not that I'm aware of, no.</p> <p>19 Q. So the response to the City's request for</p> <p>20 bid was the largest one that RivenRock had submitted</p> <p>21 a response to?</p> <p>22 A. Yes.</p> <p>23 Q. It was a pretty important response, right?</p> <p>24 A. Sure, yeah.</p> <p>25 Q. Because, as you testified earlier, you</p>

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Catherine Olinger

February 15, 2017

Page 214

1 might have to shut the doors of the company if you  
 2 didn't win the bid, right?  
 3 A. Correct.  
 4 Q. Were you confident that Ms. Fluitt had the  
 5 experience and capability in order to submit this bid  
 6 100 percent on her own?  
 7 A. I did.  
 8 Q. Did you speak to her about how to respond  
 9 to the City of Albuquerque's request?  
 10 A. No, she read through the directions, and  
 11 submitted everything required.  
 12 Q. Did she show you any of the documents she  
 13 submitted before she submitted them?  
 14 A. I don't believe so.  
 15 Q. Did she ask you any questions about the  
 16 response that she was putting together?  
 17 A. No, I don't believe so.  
 18 Q. Do you know if she asked anyone else at  
 19 RivenRock any questions before she submitted the bid?  
 20 A. Not I'm aware of.  
 21 Q. Do you know if she showed anyone else any  
 22 documents before she submitted the -- anyone else at  
 23 RivenRock any documents before she submitted the  
 24 response to the bid?  
 25 A. Not that I'm aware of.

Page 216

1 action lawsuit stuff on top of that 40 hours?  
 2 A. We did.  
 3 Q. Now, why would Mr. Miller think that you  
 4 were working on the response to the City's request  
 5 for bid, if you weren't?  
 6 A. I have no idea.  
 7 Q. But he's just incorrect?  
 8 A. He's incorrect.  
 9 Q. Did you hear him testify that he saw you  
 10 and Mr. Shepherd working late nights at the office at  
 11 the time that the bid was being prepared?  
 12 A. He did.  
 13 Q. Were you working late nights?  
 14 A. We work late nights all the time.  
 15 Q. What were you working late nights on, if  
 16 not on the request -- response to the request for bid  
 17 from the City?  
 18 MR. STANFORD: Quick objection, form.  
 19 Go ahead.  
 20 A. Oh, gosh, everything. Discovery, the class  
 21 action lawsuit, our general overall operations of our  
 22 business, our vision. If it -- if we were complying  
 23 on a day-to-day operation.  
 24 Q. Did you --  
 25 A. All sorts of stuff.

Page 215

1 Q. Now, you were here for Mr. -- Mr. Miller's  
 2 deposition, right?  
 3 A. Yes, I was.  
 4 Q. And did you hear Mr. Miller testify that he  
 5 thought that you and Mr. Shepherd worked on the  
 6 response to the bid?  
 7 A. I did.  
 8 Q. What do you think of that?  
 9 A. That's incorrect. He assumed, but that's  
 10 not what we were working on.  
 11 Q. What were you working on when Mr. Miller  
 12 thought you were working on the response to the bid?  
 13 A. We work on lots of things. Discovery for  
 14 this lawsuit, class action lawsuits, just our overall  
 15 branch operations.  
 16 Q. How many other clients did you -- or how  
 17 many clients did you have at the time that you  
 18 were -- at the time that Ms. Fluitt was working on  
 19 the response to the City's bid?  
 20 A. Let's see, under ten.  
 21 Q. And how much -- what percentage of your --  
 22 your business time would it -- did it take you to  
 23 service those clients?  
 24 A. 40 hours a week.  
 25 Q. So did you do the discovery and class

Page 217

1 Q. Did you spend any time working on the  
 2 response to bid that Ms. Fluitt put together?  
 3 A. I did not.  
 4 Q. Did Mr. Shepherd, to your knowledge, work  
 5 on the response to the request for bid?  
 6 A. He did not, as far as I know.  
 7 Q. Who else, besides Ms. Fluitt, was involved  
 8 in the bidding process, or the preparing the response  
 9 to bid?  
 10 A. I believe she would reach out to our risk  
 11 team -- our HR team to help guide her in certain  
 12 questions, but other than that, no one else.  
 13 Q. So those are all folks that don't work in  
 14 the Albuquerque office?  
 15 A. They don't.  
 16 Q. Anyone other -- anyone within the  
 17 Albuquerque office, other than Ms. Fluitt, work on  
 18 the response to the request for bid?  
 19 A. Not that I'm aware of, no.  
 20 Q. Other than the one meeting that you  
 21 testified about that the whole office had about  
 22 whether to submit a response to the request for bid,  
 23 did you have any other conversations with anyone else  
 24 at the office about the response?  
 25 A. No.

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Catherine Olinger

February 15, 2017

Page 218

1 Q. What about after Ms. Fluitt submitted the  
2 response, did she tell you, Hey, I submitted the  
3 response?  
4 A. Yeah, she said, I got it in.  
5 Q. And did you have any discussions with her  
6 at that point about the response?  
7 A. Other than she submitted it, no.  
8 Q. Did you provide any information to  
9 Ms. Fluitt to be included to the response -- to the  
10 response to the City of Albuquerque's bid?  
11 MR. STANFORD: Quick objection. Form.  
12 Go ahead.  
13 A. So did I -- what was the question? Did  
14 I --  
15 Q. Did you provide her with any information to  
16 be included with the response to the City's request  
17 for bid?  
18 MR. STANFORD: Same objection.  
19 Go ahead.  
20 A. Well, she submitted the bid, so she would  
21 be included.  
22 Q. But did you provide her any information?  
23 A. No, I did not.  
24 Q. Okay. So you didn't provide her any  
25 documents to include in the response?

Page 220

1 it then?  
2 A. An e-mail went out to the whole branch  
3 saying it was awarded, and you could click on the  
4 rates and you can see who qualified. You saw every  
5 agency who submitted the bid and where they qualified  
6 in each category.  
7 Q. And was the response to the request for bid  
8 included in the materials that were sent in that  
9 e-mail?  
10 A. I believe so.  
11 Q. And that's when you think you first saw it?  
12 A. Yes.  
13 Q. Have you looked at it since then?  
14 A. I believe so, yes.  
15 Q. How many times?  
16 A. Let's take a stab at three or four.  
17 Q. And what were the purposes of you looking  
18 at the response at that -- on those three or four  
19 occasions?  
20 A. Just reading through everything, making  
21 sure I understood it.  
22 Q. Did you or anyone else at RivenRock have  
23 any communications with the City of Albuquerque, or  
24 anyone there, between the time the City put out the  
25 request for bid and the time RivenRock responded to

Page 219

1 A. I did not.  
2 MR. STANFORD: Same objection.  
3 Q. And you didn't provide her any information  
4 to include in the response?  
5 A. I did not.  
6 Q. Are you aware of anyone else at the office  
7 providing Ms. Fluitt with documents or information to  
8 be included in the response to the City's bid?  
9 A. I am not aware of anyone else.  
10 Q. Did you ever see the response that  
11 RivenRock submitted to the City's bid?  
12 A. I did not. I believe she submitted  
13 everything electronically.  
14 Q. Even after she submitted it, you still  
15 haven't seen it, to this day?  
16 A. I've seen it -- yeah, I've seen it  
17 recently.  
18 Q. Recently, okay. But before --  
19 A. Yeah.  
20 Q. Before it was submitted, you never saw it?  
21 A. I did not.  
22 Q. And after it was submitted, when was the  
23 first time you saw it?  
24 A. When we were awarded the bid.  
25 Q. And how did it -- how did you come to see

Page 221

1 the request for bid?  
2 A. No. I know Amber did contact the  
3 purchasing office with questions, but I did not, no.  
4 Q. Did anyone, other than Ms. Fluitt, contact  
5 the purchasing department with questions?  
6 A. As far as I know, no.  
7 Q. I'm going to show you another document.  
8 (Exhibit 68 marked.)  
9 Q. (By Ms. Libeu) Do you have Exhibit 68 in  
10 front of you?  
11 A. I do.  
12 Q. Have you seen it before?  
13 A. I have.  
14 Q. Can you tell me what it is?  
15 A. It is our document checklist.  
16 Q. And what's the document checklist?  
17 A. It is items we submitted for the bid.  
18 Q. So is Exhibit 68 the response to the City  
19 of Albuquerque's request for bid?  
20 A. I believe so, yes.  
21 Q. And is this what Ms. Fluitt put together?  
22 A. I believe so, yes.  
23 Q. And I want to turn your attention to the  
24 page that ends in 6032.  
25 A. Okay.

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Catherine Olinger

February 15, 2017

## Page 222

1 Q. Do you see that this is a letter from UPS,  
 2 To whom it may concern, from a Stephen Lucero?  
 3 A. Uh-huh.  
 4 Q. You have to answer audibly.  
 5 A. Oh, yes.  
 6 Q. Do you know how Ms. Fluitt obtained this  
 7 letter to include in the package?  
 8 MR. STANFORD: Quick objection on grounds  
 9 of foundation.  
 10 Go ahead.  
 11 A. I believe Tim gave it to her.  
 12 Q. Did Mr. Jacquez give this to her  
 13 specifically for the bid, or was this a letter that  
 14 RivenRock had had previously?  
 15 A. I believe it was a letter we had  
 16 previously. I really don't know.  
 17 Q. Do you know when RivenRock received this  
 18 letter from Mr. Lucero?  
 19 A. I do not know.  
 20 Q. Turn to the next page. And this is, for  
 21 the record, the Bates -- the number that ends in  
 22 6033.  
 23 A. Okay.  
 24 Q. And can you tell me what this is.  
 25 A. This is a letter of recommendation from

## Page 224

1 other companies we were trying to work with.  
 2 Q. And when did you ask her for this letter?  
 3 A. Oh, gosh, some time in August.  
 4 Q. Probably shortly before August 30th?  
 5 A. Most likely.  
 6 Q. And what other companies did you ask her  
 7 for this for?  
 8 A. Amber is always putting bids in -- not  
 9 bids, but registering, and we had to have certain  
 10 letters of recommendation on file. So we all  
 11 compiled letters for her, so, yeah, and she probably  
 12 gave it to me in August.  
 13 Q. Now, this is -- she gave it to you at the  
 14 same time that Ms. Fluitt was preparing the response  
 15 to the request for bid, correct?  
 16 A. Yes. And Amber was also working on other  
 17 requests, as well.  
 18 Q. Did you, when you asked Ms. O'Neill for  
 19 this letter, intend for it to be included in the  
 20 response to City of Albuquerque's request for bid?  
 21 A. I did not.  
 22 Q. Did you intend -- do you think it should  
 23 have been included?  
 24 A. It's included, so, yeah, I'm glad she  
 25 included it.

## Page 223

1 Automated Election Services.  
 2 Q. And that's also known as Ink Impressions,  
 3 right?  
 4 A. Yes.  
 5 Q. How did RivenRock come to get this letter?  
 6 A. I believe Tiffany gave it to me.  
 7 Q. And when did she give it to you?  
 8 A. I have no idea. Oh, look, it says  
 9 August 30th.  
 10 Q. Do you think it was on or about  
 11 August 30th that she gave you this letter?  
 12 A. I believe so.  
 13 Q. And if we look back at the City's request  
 14 for bid, can you tell, looking at it, when the  
 15 request for bid was put out?  
 16 A. On Exhibit 67?  
 17 Q. Yes.  
 18 A. I see a closing date of September 5th.  
 19 Q. So some time before September 5th, right?  
 20 A. Yes.  
 21 Q. How did -- did you ask Ms. O'Neill for the  
 22 letter that is in the -- the letter from Automated  
 23 Election Services that is part of the bid package  
 24 that Ms. Fluitt put together?  
 25 A. No. I believe I asked her for this for

## Page 225

1 Q. Now, did you tell Ms. Fluitt that you were  
 2 getting this letter from Automated Election Service  
 3 for her use in bids?  
 4 A. For her use in bids yes.  
 5 Q. And tell me about those conversations.  
 6 A. She just -- for certain bids she was doing  
 7 she had to have letters of recommendation about the  
 8 staff, so I said let me reach out to Tiffany and see  
 9 if she'll write one.  
 10 Q. And did you discuss which bid packages  
 11 Ms. Fluitt should include this in?  
 12 A. No, I just gave it to her.  
 13 Q. You knew at the time you got this letter  
 14 that she was working on the response to the City of  
 15 Albuquerque's bid?  
 16 A. One of the bids, yes.  
 17 Q. And did you tell her not to include this  
 18 letter?  
 19 A. I didn't.  
 20 Q. Why not?  
 21 A. It just never came up. I didn't say, Don't  
 22 turn it in here. Use it when you need to.  
 23 Q. Did you anticipate that she would use this  
 24 letter for the response to the City of Albuquerque's  
 25 bid?

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Catherine Olinger  
February 15, 2017

Page 374

1 otherwise disseminate such information without prior  
2 written approval of the president of Select Staffing.  
3 Employee acknowledges that he/she is aware of the  
4 unauthorized disclosure of confidential information  
5 of Select Staffing, its customers or its temporary  
6 workers and employees or its clients, may be highly  
7 presidential -- highly prejudicial to their interest  
8 and invasion of privacy and improper disclosure of  
9 trade secrets." Do you see that?

10 A. I do.

11 Q. And are those provisions you agreed to?

12 A. Sure. It's a lot.

13 Q. You don't have any reason to doubt that  
14 that's --

15 A. I don't, no.

16 Q. -- the provision you agreed to?

17 A. No, I have to reason to doubt.

18 Q. Now, I want you to look at subparagraph C.

19 A. Okay.

20 Q. It says, "During and for one year after  
21 termination of his/her employment with Select  
22 Staffing, employee agrees that he/she will not  
23 influence, or attempt to influence, either directly  
24 or indirectly, any Select Staffing employees,  
25 customers, or temporary workers who have dealt or

Page 376

1 employee shall not interfere with the business of  
2 Select Staffing by inducing an employee or temporary  
3 worker to leave Select Staffing's employ, or by  
4 inducing a customer to sever or reduce its business  
5 relationship with Select." Do you see that?

6 A. I do.

7 Q. And is that a provision you agreed to, as  
8 well?

9 A. I did.

10 Q. So you agreed for one year not to interfere  
11 with the business of Select Staffing?

12 A. Yes, I did.

13 Q. And you agreed not to interfere with the  
14 business of Select Staffing by inducing an employee  
15 or a temporary worker to leave Select?

16 A. That is correct.

17 Q. And you agreed for a period of one year not  
18 to interfere with the business of Select Staffing by  
19 inducing a customer to either leave Select or reduce  
20 its business?

21 A. What do they mean by "inducing"?

22 Q. What do you think -- what do you think the  
23 word "inducing" means?

24 A. Like, am I holding a gun to their head  
25 saying, You will come with me, or else? I mean,

Page 375

1 done business with Select Staffing at any time within  
2 six months prior to employee's termination,  
3 including, but not limited those who may be recruited  
4 or developed by Select Staffing while he/she is  
5 employed at Select staffing, to stop or reduce doing  
6 business with Select Staffing, and/or to do business  
7 with any subsequent employers or employee and/or with  
8 any competing firm, business in which employee has an  
9 ownership interest." Do you see that.

10 A. I do.

11 Q. Did you agree to that paragraph?

12 A. I did.

13 Q. And then the next sentence in subparagraph  
14 C says, "Employee will not disclose or use to his or  
15 her benefit, or for the benefit or any third party,  
16 or to the detriment of Select Staffing or its  
17 customers in confidential trade secret information."  
18 Do you see that?

19 A. I do.

20 Q. Did you agree to that provision?

21 A. I do.

22 Q. And can you look at subparagraph D, please.  
23 It says, "Employee further agrees that during and for  
24 period of one year immediately following termination  
25 of his or her employment with Select Staffing,

Page 377

1 what's -- what do you mean by inducing --

2 Q. What do you --

3 A. -- a customer?

4 Q. Do you have an understanding of what the  
5 word "induce" means?

6 A. To, like -- I think of induced labor, like,  
7 let's go ahead and -- that's how I think of induce.

8 Q. You think of induce, as in the context of  
9 labor only?

10 A. Pretty much. So by inducing a customer  
11 so -- no, I'm just wondering, like, what they mean by  
12 that? Are they meaning that I'm going to go to  
13 customer and say, Hey, you better stop doing business  
14 with them, because -- come over here. I mean, what  
15 do they mean by that?

16 Q. What did you understand that that meant  
17 when you signed this agreement?

18 MR. STANFORD: Objection. Foundation.

19 A. I have no idea. It was eight years ago.  
20 Who knows -- I mean, I have no idea. I'm just  
21 wondering.

22 Q. Did you ever ask someone for clarification  
23 on what that word meant?

24 A. I did not.

25 Q. But you agreed to that --

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## **Shaun Shepherd**

**From:** Catherine Olinger  
**Sent:** Tuesday, May 24, 2016 10:16 AM  
**To:** Tynan, Rebbekka; Shaun Shepherd; Cunningham, Viola E.; Amber Fluitt  
**Subject:** RE: New STAFFING COMPANY

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Here I am!

It's great to hear from you.  
I hope all is well in your neck of the woods!

**From:** Tynan, Rebbekka [mailto:rtynan@cabq.gov]  
**Sent:** Tuesday, May 24, 2016 9:36 AM  
**To:** Shaun Shepherd <shaun.shepherd@rivenrockstaffing.com>; Cunningham, Viola E. <VCunningham@cabq.gov>; Catherine Olinger <Catherine.Olinger@rivenrockstaffing.com>; Amber Fluitt <amber.fluitt@rivenrockstaffing.com>  
**Subject:** RE: New STAFFING COMPANY

So THAT'S where Catherine went!  
Hope you are all doing well!

Thank you!

Rebbekka K. Tynan, MPA  
Senior Buyer  
City of Albuquerque  
Purchasing Division  
PO Box 1293  
Albuquerque, NM 87103  
Office: 505-768-4945  
Fax: 505-768-3355





**From:** Shaun Shepherd [mailto:[shaun.shepherd@rivenrockstaffing.com](mailto:shaun.shepherd@rivenrockstaffing.com)]  
**Sent:** Tuesday, May 24, 2016 9:35 AM  
**To:** Cunningham, Viola E.; Catherine Olinger; Amber Fluitt  
**Cc:** Tynan, Rebbekka  
**Subject:** RE: New STAFFING COMPANY  
**Importance:** High

Hi, Viola and Rebbekka,

Thank you so much for the follow up. I hope you both are doing great! I've copied Catherine Olinger so you have her contact information too. We will make sure the registration is complete this week. Please let us know if there is anything we can help with.

Looking forward to working with you!!!

Have a super great day!



"WHERE ROCKSTARS ARE MADE"

**Shaun Shepherd**  
Southwest Area Vice President  
214.701.6210 Cell  
505.336.4222 Office  
505.738.0340 Fax  
[shaun.shepherd@rivenrockstaffing.com](mailto:shaun.shepherd@rivenrockstaffing.com)  
[www.rivenrockstaffing.com](http://www.rivenrockstaffing.com)

**From:** Cunningham, Viola E. [mailto:[VCunningham@cabq.gov](mailto:VCunningham@cabq.gov)]  
**Sent:** Monday, May 23, 2016 10:53 AM  
**To:** Shaun Shepherd <[shaun.shepherd@rivenrockstaffing.com](mailto:shaun.shepherd@rivenrockstaffing.com)>  
**Cc:** Tynan, Rebbekka <[rtynan@cabq.gov](mailto:rtynan@cabq.gov)>  
**Subject:** FW: New STAFFING COMPANY

Hi Shaun,  
I have included Rebbekka as she has been working on the various staffing contracts most recently.

Thanks for getting your contact information back to us. Be sure to sign up in our e-procurement system using the City website.

[www.cabq.gov](http://www.cabq.gov)

Viola E. Cunningham  
Purchasing Customer Satisfaction Manager  
PO Box 1293  
Albuquerque, NM 87103  
505-768-3340 telephone  
505-768-3355 fax

EXHIBIT 7